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ORDINANCE NO. 1350

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY FOR CITY-INITIATED MUNICIPAL CODE AMENDMENT (Z-S-2023-0001), TO REVISE PORTIONS OF TITLE 9 OF THE SIMI VALLEY MUNICIPAL CODE TO ALLOW FOR TYPE 4 MOBILE FOOD FACILITIES ("FOOD TRUCKS") ON COMMERCIAL AND INDUSTRIAL PROPERTIES; AND A DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, in an effort to promote additional dining options in Commercial and Industrial properties, the City of Simi Valley proposes to amend Title 9 of Development Code (SVMC) (Z-S-2023-0001), to allow for Type 4 Mobile Food Facilities ("Food Trucks") on commercial and industrial properties with a Temporary Use Permit ("TUP") when in compliance with certain standards; and

WHEREAS, on March 1, 2023, the Planning Commission of the City of Simi Valley held a public hearing and recommended approval as amended of Z-S-2023-0001; and the determination that the project is exempt from the California Environmental Quality Act; and

WHEREAS, on June 12, 2023, the City Council held a duly noticed public hearing on the proposed ordinance, where they considered evidence and testimony presented; and

WHEREAS, this ordinance is exempt from review under the California Environmental Quality Act (CEQA; California Public Resources Code Section 2100 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 1500, et seq.) pursuant to the provisions of Section 15061(b)(3) which states that "A project is exempt from CEQA if the activity is covered by the general rule of CEQA that applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. The findings in the Planning Commission staff report dated March 1, 2023, and the recitals set forth above are hereby adopted as findings.

SECTION 2. Various sections of Title 9 of the SVMC dealing with Mobile Food Facilities are hereby amended as shown in Exhibit A, attached hereto.

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SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 4. Incompatible Provisions. To the extent of any provision of this ordinance is incompatible with or at variance with any prior adopted ordinance or resolution, the provision of this Ordinance shall take precedence.

SECTION 5. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the City Council would have adopted the remainder of this ordinance without the severed and voided part, and that the reminder of this ordinance shall remain in full force and effect.

SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 17th day of July 2023.

Attest:

DocuSigned by:
Lucy Blanco
2C09E360D6CF430...
Lucy Blanco, City Clerk

DocuSigned by:
Fred D. Thomas
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Fred D. Thomas, Mayor of the City of Simi Valley, California

Approved as to Form:

DocuSigned by:
David L. Caceres
C5E07AF04C494D1...
David L. Caceres, City Attorney

DocuSigned by:
Stratis Perros
BC7AE845E5D045C...
Stratis Perros
Environmental Services Director

Approved as to Content:

DocuSigned by:
Brian Paul Gabler
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Brian Paul Gabler, City Manager

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ORD. NO. 1350

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1350 which was adopted by the City Council of the City of Simi Valley, California, at a regular meeting thereof held on the 17th day of July 2023 by the following vote of the City Council:

AYES:	Council Members Rhodes, Litster, Cavanaugh, Mayor Pro Tem Judge and Mayor Thomas
NAYS:	None
ABSENT:	None
ABSTAINED:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, dated July 19, 2023.

DocuSigned by:
Lucy Blanco
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Lucy Blanco, CMC
City Clerk

EXHIBIT A

Amendments to the following sections of Title 9 of the Simi Valley Municipal Code are shown below. Revised code sections are shown as underlined text. Deletions are shown as ~~strikethrough~~ text.

Part 1

SVMC – 9-52.080 - Temporary Use Permits, is hereby amended to read as follows (Note that only the sections that are being modified are shown)

I. **Use-specific standards.** The following use-specific standards shall apply, as applicable to the temporary use/activity:

9. Mobile food vendors

a. Standards. The maximum vending/display area per mobile food vendor must not exceed ~~400~~ 800 square feet of parking, provided that the required number of parking spaces already exists on the subject property to meet this requirement. The vending/display area, including the vehicle and accessory items, must not encroach on any handicapped access path of travel, or be located within required zoning setbacks, loading zones, drive-through lanes, driveways, fuel pump queuing areas, or landscaped planters. Outdoor tables, chairs, and shade umbrellas may be allowed within the approved display area. The vehicle and the accessory items must be reviewed and approved by the City to be aesthetically compatible with the surroundings. There shall be at least 4 feet of clearance to the sky around vendor vehicle(s) for pedestrian access, and mobile food vendors may not impede vehicular or pedestrian circulation on the proposed site. A dimensioned site plan showing the proposed display area and surrounding site layout within ~~100~~ 300 feet of the display area must be submitted with the TUP application.

b. Allowed locations. CPD, CN, CO, CR, AI, LI, GI, CI, BP, SR, and RCC zoning districts. The location must have an approved Planned Development Permit or Conditional Use Permit for the primary structure(s) on the site, and Type 4 Mobile Food Facilities must be setback at least 300 feet away from any restaurant, or coffee shop. One mobile food vendor may be allowed for developments up to 150,000 square feet of gross floor area on private non-residential property. One additional mobile food vendor may be allowed for developments that exceed 150,000 square feet of gross floor area.

c. Duration. No permit shall last longer than twelve (12) months. One permit shall be required per location.

d. Parking. To be determined by the Director, in compliance with Chapter 9-34 (Parking and Loading Standards).

e. Permits and fees. A Temporary Use Permit and associated fee are required from each applicant for mobile food vendors.

f. Permit review. All mobile food vendor TUPs shall be subject to review by the Director as the result of any complaint by any person affected by the operation of the TUP, or for any violations of the TUP approval or conditions of approval, changes to the provisions of the General Plan, Development Code regulations, or development guidelines applicable to the property since the approval of the TUP. If the Director determines that sufficient evidence exists to substantiate a complaint, that changes to the property have occurred to render the TUP not in conformance with the Municipal Code, or that TUP provisions or conditions have been violated, then the TUP may be revoked and the permittee may be ineligible for additional mobile food vendor TUPs.

g. Other.

(1) Property owner consent. Written property owner's (or agents thereof) consent for the applicant to operate the use, including duration, is required. Approval shall be notarized.

(2) County health permits. A Ventura County Health permit is required for the mobile food vending vehicle. ~~The TUP is limited to utilization of a vehicle classified by the County of Ventura as a Mobile Food Facility Type 1, Type 2, or Type 3. Type 4 Mobile Food Preparation Units defined by the County of Ventura are not allowed~~. This permit is allowed for the utilization of a vehicle classified by the County of Ventura as a Mobile Food Facility Type 1, Type 2, or Type 3 and Type 4.

(3) Business Tax Certificate. A City Business Tax Certificate is required to be submitted with the TUP application.

(4) Removal of food vending vehicles and equipment and hours of operation. Food vending vehicles (including pushcarts ~~and~~, trailers, and motorized vehicles), tables, chairs, umbrellas, and accessory equipment must be removed from the Planned Development or Conditional Use Permit premises during non-~~business~~ operation hours of the Mobile Food Facility. The Mobile Food Facility may only operate between the hours of 7:00 a.m. and 11:00 p.m. Friday to Sunday, and only between the hours of 7:00 a.m. and 10:00 p.m. Monday to Thursday, pursuant to SVMC Chapter 5-16.

(5) Signage. One sign not to exceed 12 square feet may be affixed to the vehicle. Free-standing signage shall not be allowed.

(6) Amplified music. No amplified music may be allowed as part of the TUP.

(7) Lighting. When operating in hours of darkness, the mobile food facility

shall be situated in an area that is in compliance with SVMC Section 9-30.040 – Exterior Light and Glare. The mobile food facility shall not create additional glare beyond these standards.

(8) Vehicle Registration. A valid vehicle DMV registration shall be provided as part of the application.

(9) Trash. Site plan shall also show vendor(s) within 30 feet of a trash container. If center does not provide trash containers, Food Truck operator shall be responsible for providing trash containers, and obtain approval from property owner to do so.

Part 2

9-80.020 - Definitions of Specialized Terms and Phrases
As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

M. Definitions, "M."
Mobile Food Facility. A vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. Ventura County defines four types of Mobile Food Facilities. Examples include:

- Type 1:
  - Produce truck
  - Bread/baked goods truck
- Type 2:
  - Ice cream truck/cart
  - Push cart
  - Cold/hot trucks
  - Catering truck with only packaged food
  - Pizza truck
  - Grocery truck with eggs, cheese or milk
- Type 3:
  - Hot dog cart/trailer
  - Coffee cart
  - Churro/pretzel cart
  - Popcorn cart
  - Shaved ice cart
- Type 4:
  - Catering truck
  - Soft serve ice cream truck
  - Mobile kitchen trailers
  - Food truck

Mobile Food Vendor. Any person(s) or business that sells any food or non-alcoholic drinks by means of a motorized or non-motorized vehicle, such as catering truck, food truck, or other traveling method. Does not include a transporter used to transport packaged food from a food facility, or other approved source to the consumer. Mobile Food Vendor shall be classified by the County of Ventura as a Mobile Food Facility Type 1, Type 2, or Type 3 and Type 4.